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In re Application of	:	DECISION ON
Philippe Courty	:	
Application No.: 10/587,891	:	
PCT No.: PCT/FR03/01662	:	
Int. Filing Date: 03 June/2003	:	PETITION UNDER
Priority Date: NA	:	
Attorney's Docket No.: NA	:	
For: DOUBLE-BARRELLED BODY FOR	:	
A PERSONAL FIREARM	:	37 CFR 1.137(b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 31 July 2006.

**BACKGROUND**

On 03 June 2003, this international application was filed. A copy of the international application was transmitted to the United States from the International Bureau on 11 December 2003. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 03 December 2005. This international application became abandoned with respect to the United States at midnight on 03 December 2005 for failure to pay the required basic national fee.

On 31 July 2006, applicants filed the instant petition under 37 CFR 1.137(b) and Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee.

**DISCUSSION**

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

However, applicant has not paid the surcharge of \$65.00 for furnishing the executed declaration after the date of commencement of the national stage under 37 CFR 1.492(h). As result, at this time the executed declaration has not been accepted for processing.

### **DECISION**

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing, and to mail a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that surcharge of \$65.00 under 37 CFR 1.492(h) has not be paid.



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